

REMARKS

As an initial matter, Applicants are submitting herewith an Information Disclosure Statement and a Terminal Disclaimer along with the appropriate fees. Should any additional fee be required, please deduct them from Deposit Account No. 23-0785.

Claims 1-65 are pending. Claims 1-24 and 33-36 have been allowed. Claims 25, 29, 45 and 65 have been rejected, while claims 25-32, 37-44 and 46-64 have been objected to. The claims as issued in U.S. Patent 5,102,417 (Claims 1-36) have not been amended and therefore have not been reproduced in the present amendment. Claims 37-65 were previously added as new claims in an amendment dated October 20, 2003. Of these added claims, claims 37, 42, 44, 45, 52, 53, 54, 59, 61, 63 and 65 have been amended, as suggested by the Examiner, to overcome informalities. The details of these amendments will be discussed below.

Additionally, the specification has been amended to correct typographical errors and a Patent Office printing error. The specification has been amended at column 11, line 29 to correct typographical errors wherein the word "manufcture" has been amended to "manufacture" as it was a typographical error made by the Patent Office when printing the original patent. The specification has also been amended at column 11, line 30 by amending the phrase "include polyglycoides, polylacoides" to instead recite "include polyglycolides, polylactides." This was a typographical error which resulted in misspellings of the terms and one skilled in the art would have understood the original phrase to actually mean the phrase, as amended.

CERTIFICATE OF CORRECTION

The Office Action indicated that the Certificate of correction had not been entered as though it was part of the original patent. Applicants contacted the Examiner on March 27, 2006, at which time the Examiner indicated that he had contacted Linda Sholl subsequent to the mailing of the Office Action, wherein Ms. Sholl indicated the Certificate of Correction should have been entered. Therefore, Applicants believe the Certificate of Correction has been entered and no further action is required regarding this issue.

OATH/DECLARATION

The Office Action had indicated that the Declaration is defective. A Declaration was filed with the signature of the assignee. According to M.P.E.P. § 1410.01, the signature of the assignee is sufficient, in lieu of the inventors' signatures, when the reissue application is not broadening and the inventorship is not being changed. The present reissue is not broadening and the inventorship is not being changed beyond that indicated on the Certificate of Correction. Therefore, the signature of the assignee is sufficient.

The Examiner contacted the Applicants' attorney on March 28, 2006 and on March 30, 2006 to advise him that the address of Dr. Richard Schatz was not set forth on the Declaration and requested that a corrected Declaration be submitted to include Dr. Schatz' address. The Examiner also requested that the recitation of the "error" make specific reference to one or more original claims. A corrected Declaration is being submitted herewith containing the appropriate address and to modify the recitation of the "error."

35 U.S.C. § 112

Claims 45 and 65 stand rejected under 35 U.S.C. § 112, first and second paragraphs, as failing to comply with the enablement requirement and as being indefinite. Claims 45 and 65 have been amended to recite “a group that comprises polyglycolides, polylactides, and copolymers thereof.” The claims, as previously presented, included the typographical errors “polyglycoides, polylacoides” that resulted in misspellings of terms which would have readily been understood by those skilled in the art to be the components recited in claims 45 and 65, as amended. Furthermore, the Examiner identified a similar typographical error that resulted in a misspelling of the same terms in an Office Action dated May 4, 2004 in related application 10/449,558. The Examiner indicated that the misspelling errors should be corrected to recite polyglycolides and polylactides, just as terms have been amended herein. Therefore, Applicants believe that this rejection should be withdrawn.

CLAIM OBJECTIONS

Claims 37-65 stand objected to for a variety of informalities. These informalities have been corrected by amending the claims, as suggested by the Examiner.

Specifically, claim 37 has been amended from “is released” to “is capable of being released” as suggested by the Examiner.

Claims 42, 44, 61 and 63 have been amended from “wherein the coating comprising” to “wherein the coating further comprises.”

Claim 52 has been amended to correct a variety of informalities as suggested by the Examiner. The changes are outlined in the following:

providing controllable expansion of at least one of the stent prostheses at the site of implantation within the coronary artery passageway by expanding the inflatable balloon portion of the catheter associated with the at least one of the stent ~~prosthesis~~ prostheses to force at least one of the at least one of the stent ~~prosthesis~~ prostheses radially outwardly into contact with the coronary artery, by deforming a portion of the at least one stent ~~prosthesis~~ prostheses with a force in excess of the elastic limit of the portion of the at least one stent ~~prosthesis~~ prostheses, to implant the at least one stent ~~prosthesis~~ prostheses within the coronary artery passageway.

Claims 53 and 54 have been amended from “including” to recite “further including” as suggested by the Examiner.

Claim 59 has been amended from “adjacent prosthesis” to recite “adjacent prostheses” to correct the informality.

DOUBLE PATENTING

Claims 25 and 29 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 4 of U.S. Patent 5,195,984 ('984 Patent). Applicants respectfully disagree that claims 25 and 29 are not patentably distinct from claims 1 and 4 of the '984 Patent. However, in view of the fact that the requested Terminal Disclaimer

has no effect on the term of any patent that might issue from the present application and Applicants' desire to facilitate the prosecution of this application, submitted herewith is a Terminal Disclaimer that disclaims any part of any patent granted from the present application which would extend beyond the natural expiration date of the '984 Patent.

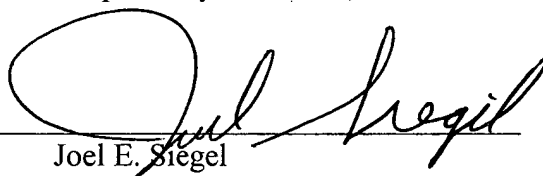
CONCLUSION

Therefore, in view of the above amendments and arguments, Applicants respectfully request that the rejections and objections be withdrawn and that claims 1-65 be allowed.

Respectfully submitted,

Date: April 6, 2006

By


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